IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 30861 of 2005(Y)

AGAINST THE ORDER DATED IN EP 212 2003 IN OS.363/2000 of II ADDL.SUB COURT,THRISSUR

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PETITIONERS:

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1. M.J. PRATHAPACHANDRAN,
   MAMMIYUR KALARIKKAL HOUSE, IRINGAPRAM, GURUVAYUR.

2. HEMALATHA,
   MAMMIYUR KALARIKKAL HOUSE, IRINGAPRAM, GURUVAYUR.

BY ADV. SRI.DINESH R.SHENOY
SRI.JOJO GEORGE

RESPONDENT:

PERINGOTTUKARA NAMBOODIRI YOGAKSHEMA-
SABHA, ANTHIKKAD, THRISSUR.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 30861/05)

PETITIONERS' EXTS.:

EXT.P1: TRUE COPY OF E.P.212/03 IN O.S.NO.363/00 OF SUB COURT, THRISSUR TOGETHER WITH THE ORDER SHEET.

EXT.P2: TRUE COPY OF THE OBJECTION DATED 10.10.2003 IN E.P.212/03 IN O.S.NO.363/2000 OF THE SUB COURT, THRISSUR.

EXT.P3: TRUE COPY OF E.A.NO.630/05 IN E.P.NO.212/03 IN O.S.NO.363/2000 OF THE SUB COURT, THRISSUR.

EXT.P4: TRUE COPY OF E.A.NO.718/05 IN E.P.212/03 IN O.S.NO.363/2000 OF THE SUB COURT, THRISSUR.

EXT.P5: TRUE COPY OF E.A.NO.722/05 IN E.P.NO.212/03 IN O.S.NO.363/00 OF THE SUB COURT, THRISSUR.

EXT.P6: TRUE COPY OF CHALAN NO.198 DATED 19.5.2005.

EXT.P7: TRUE PHOTOCOPY OF OBJECTION FILED IN E.A.718/05 IN E.P.NO.212/03 IN O.S.NO.363/00 OF THE SUB COURT, THRISSUR.

EXT.P8: TRUE PHOTOCOPY OF OBJECTION FILED IN E.A.722/05 IN E.P.NO.212/03 IN O.S.NO.363/00 OF THE SUB COURT, THRISSUR.

EXT.P9: TRUE COPY OF THE COMMON ORDER PASSED IN E.A.NO.718/05 AND E.A.NO.722/05 IN E.P.212/03 IN O.S.NO.363/00 OF THE SUB COURT, THRISSUR.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.30861 of 2005

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Dated: 20th August, 2007

JUDGMENT

It is submitted that the issue has been settled between the parties and it is agreed that if a sum of Rs.50,000/- more is paid within one month from today, the sale can stand set aside subject to the condition that all amounts presently under deposit before the court below either being deposits made by the judgment-debtors or amounts deposited by the decree-holder on account of the deficit price of the property can be withdrawn by the decree-holder. Accordingly, the Writ Petition will stand allowed. Ext.P9 will stand set aside and the applications for setting aside the sale will stand allowed subject to the following conditions:

1. The petitioners will pay a sum of Rs.50,000/- to the decree-holder either directly or through its counsel in the court below on or before 30.9.2007.

2. The petitioners will not raise any objections in the matter of the decree-holder withdrawing all the amounts presently under deposit before the court below by the decree-holder irrespective of who has

made the deposit and on what account deposits have been made. The parties will appear before the court below on 4.9.2007.

srd **PIUS C.KURIAKOSE, JUDGE**